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OFFICE OF PETITIONS

In re Application of :
Sumihiro Okawa et al : DECISION GRANTING
Application No. 09/827,841 : PETITION
Filed: April 6, 2001 :
Attorney Docket No. SONY JP 3.0-152 :

This is a decision on the petition under 37 CFR 1.10(d) filed April 12, 2001, requesting that the above-identified application be accorded a filing date of April 6, 2001, rather than the presently accorded filing date of April 5, 2001.

Petitioners request the later filing date on the basis that the application was purportedly deposited in Express Mail service on April 6, 2001, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by, inter alia, the firm's Express Mail Log and an affidavit from Megan Doktor, indicating that she is the clerk who personally delivered the package in question to the US Postal Service (USPS) in Westfield, NJ prior to the close of business on April 6, 2001. Also included is an USPS sales receipt showing that a package bearing Express Mail label No. EL756209292US was accepted on April 6, 2001. The same Express Mail label number appears on the original transmittal letter in the file.

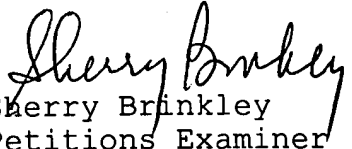
A search of the USPS's Track/Confirm system information confirms that a package bearing Express Mail label No. EL756209292US was accepted at 4:45 pm on April 6, 2001.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on April 6, 2001.

The petition is granted. A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2181 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Express Mail Track/Confirm Sheet
Corrected Filing Receipt